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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TELE ATLAS N.V. and TELE ATLAS
NORTH AMERICA,

Plaintiffs,

v.

NAVTEQ CORPORATION,

Defendant.

No. C-05-01673 RMW (RS)

ORDER GRANTING NAVTEQ'S MOTION
IN LIMINE TO EXCLUDE EVIDENCE
REGARDING THE ELECTRONIC
HORIZON PATENT

[Re Docket No. 290]

Tele Atlas and NAVTEQ create and supply digital map data. Tele Atlas has accused NAVTEQ of, among other things, monopolizing markets for digital map data. Trial on these claims is scheduled for December 2, 2008.

Tele Atlas alleged that NAVTEQ illegally tied the licensing of U.S. Patent No. 6,735,515 (the "electronic horizon patent") to its licensing of digital map data. *See* Third Amended Complaint, Docket No. 53 ¶¶ 71-75 (Mar. 29, 2007). The court granted partial summary judgment with respect to Tele Atlas's section 1 (and state analogue) tying claims based on this alleged tying because the undisputed evidence showed that NAVTEQ had never licensed the electronic horizon patent to anyone. Docket No. 341 at 22 & fn.13 (Oct. 28, 2008).

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1 NAVTEQ now moves to exclude any testimony regarding the electronic horizon patent as
2 irrelevant. Tele Atlas disagrees, stating that "it is clear that evidence regarding the electronic
3 horizon patent is relevant to each of Tele Atlas' federal and state antitrust claims and is this
4 admissible." Tele Atlas fails to explain the "clear" relevance of any evidence regarding the
5 electronic horizon patent. Though the threshold for relevance is low, it is more than nothing. *See*
6 *Fed. R. Evid. 402*. Nevertheless, at the hearing on the motion, Tele Atlas agreed that it would not
7 offer evidence related to the electronic horizon patent. Accordingly, the court grants NAVTEQ's
8 motion to exclude evidence regarding the electronic horizon patent.

9
10 DATED: 11/13/08



RICHARD SEEBORG
United States Magistrate Judge

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19 **Dated:** 11/13/08

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21 **Chambers of Judge Seeborg**